

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY *eg* D.C.
05 MAY 26 PM 5:06
ROBERT D. STROH
CLERK, U.S. DIST. CT.
W.D. OF TN, MEMPHIS

JERRY L. BILLINGSLEY,

Plaintiff,

v.

No. 02-2920-B/V

SHELBY COUNTY, et al.,

Defendants.

**ORDER CONTINUING TRIAL, DENYING DEFENDANT'S MOTION TO HOLD
PLAINTIFF IN CONTEMPT, DENYING DEFENDANT'S MOTION IN LIMINE,
GRANTING DEFENDANT'S TIME TO RESPOND TO PLAINTIFF'S OBJECTIONS
TO MAGISTRATE JUDGE'S RULING, AND DENYING, IN PART, PLAINTIFF'S
MOTION TO DIRECT OFFICERS NOT TO WEAR UNIFORMS AT TRIAL**

On May 25, 2005, this Court conducted a pretrial conference with the pro se Plaintiff, Jerry L. Billingsley, and attorneys Deborah Godwin, Betsy McKinney and Dedrick Brittenum for the Defendants. At that conference, the Court considered various motions which were pending and issued the following rulings:

1. As to the motion of the Defendant, Officer Jon Kirkland, for a continuance of trial date (Docket Entry No. 181), the Court granted the Defendant's motion based upon the setting of a criminal trial on June 6, 2005, which will necessitate the rescheduling of this case;
2. As to Defendant Kirkland's motion to find Plaintiff in contempt of Court based upon his failure to appear at the independent medical examination on May 14, 2005 (Docket Entry No. 174), the Court, for the reasons stated at the pretrial conference, finds that Defendant's motion is not well taken and will be denied; the Court will hold in abeyance its

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determination as to whether Plaintiff will be required to reimburse Dr. Wolters for the time spent on May 14 awaiting the arrival of the Plaintiff for the independent medical examination;

3. As to Defendant Officer Jon Kirkland's motion in limine to exclude evidence of medical and/or emotional damage (Docket Entry No. 171), the Court denies the Defendant's motion for the reasons stated at the pretrial conference;

4. As to Plaintiff's appeal of Magistrate Judge Diane Vescovo's determination that this lawsuit will be conducted as a non-jury trial (Docket Entry No. 179), the Court will allow Defendants ten (10) days from the entry of this order to file a response to Plaintiff's objections to Judge Vescovo's ruling.

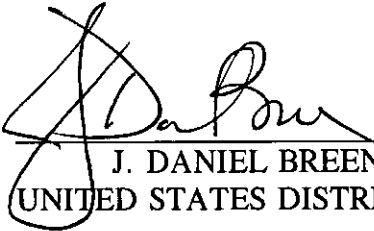
5. The Plaintiff orally requested any law enforcement officers who testify at trial be directed to not wear their uniforms. The Court denied the Plaintiff's motion and held that any officer who is on duty during the days of the trial will be permitted to wear his/her uniform. If the officer is not on duty, then he/she should wear civilian clothes.

Accordingly, for the reasons stated at the pretrial conference, the Court GRANTED Defendant Officer Jon Kirkland's motion for a continuance of trial date; DENIED Defendant Kirkland's motion to find Plaintiff in contempt of Court based upon his failure to appear at the independent medical examination; will hold in abeyance its determination as to whether Plaintiff will be required to reimburse Dr. Wolters for the time spent on May 14 awaiting the arrival of the Plaintiff for the independent medical examination; DENIED Defendant Officer Jon Kirkland's motion in limine to exclude evidence of medical and/or emotional damage; will permit the Defendants ten (10) days from the entry of this order to file a response to Plaintiff's objections to Judge Vescovo's ruling that this lawsuit will be conducted as a non-jury trial; and

DENIED, IN PART, Plaintiff's oral motion to direct law enforcement officers not to wear their uniforms at trial.

The Court sets a status conference with the Plaintiff and the attorneys for the Defendants on June 22, 2005, at 1:15 p.m.

IT IS SO ORDERED this 26th day of May, 2005.



J. DANIEL BREEN
UNITED STATES DISTRICT JUDGE



Notice of Distribution

This notice confirms a copy of the document docketed as number 187 in case 2:02-CV-02920 was distributed by fax, mail, or direct printing on May 27, 2005 to the parties listed.

Jerry L. Billingsley
1670 Altavista
Memphis, TN 38127

Betsy McKinney
GODWIN MORRIS LAURENZI & BLOOMFIELD, P.C.
50 N. Front St.
Ste. 800
Memphis, TN 38103

Henry L. Klein
APPERSON CRUMP & MAXWELL, PLC
6000 Poplar Ave.
Ste. 400
Memphis, TN 38119--397

J. Phillip Kerley
BREAKSTONE & ASSOCIATES
200 Jefferson Ave.
Ste. #725
Memphis, TN 38103

Deborah A. Godwin
GODWIN MORRIS LAURENZI & BLOOMFIELD, P.C.
50 N. Front St.
Ste. 800
Memphis, TN 38103

Dedrick Brittenum
FARRIS MATHEWS BRANAN BOBANGO HELLEN & DUNLAP, PLC
One Commerce Square
Ste. 2000
Memphis, TN 38103

Honorable J. Breen
US DISTRICT COURT